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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

IYO, INC.,

Plaintiff,

vs.

IO PRODUCTS, INC., OPENAI, INC.,
 OPENAI, LLC, SAM ALTMAN, and SIR
 JONATHAN PAUL IVE,

Defendants.

Case No. 3:25-cv-04861

**DECLARATION OF MARWAN
 RAMMAH IN SUPPORT OF
 DEFENDANTS' OPPOSITION TO
 PLAINTIFF IYO, INC.'S MOTION FOR A
 TEMPORARY RESTRAINING ORDER
 AND PRELIMINARY INJUNCTION**

Judge: Hon. Trina L. Thompson
 Hearing: June 17, 2025 at 10 am

DECLARATION OF MARWAN RAMMAH

I, Marwan Rammah, declare:

1. I am an employee of Defendant io Products, Inc. (“io”). I make this declaration in support of Defendants’ Opposition to Plaintiff iyO, Inc.’s Motion for a Temporary Restraining Order and Preliminary Injunction. The facts stated in this declaration are true and correct based on my personal knowledge, and if called and sworn in as a witness, I could and would testify competently to those facts.

2. I joined io as a Staff Engineer on September 30, 2024. Prior to joining io, I worked at Apple as a Product Design Engineer. I am named as an inventor on 39 Apple patents and patent applications, including those for “Acoustic module for handheld electronic device,” “Electronic devices having image transport layers and electrical components,” and “Electronic devices with curved display surfaces,” as well as patents relating to materials science and manufacturing techniques for device housings and internal layout and sensor integration, including cameras, biometric sensors, and ambient light sensors.

3. On March 17, 2025, I placed an order for VAD PRO headphones from iyO. I used my work email address, the same email address I use to communicate with my colleagues, to place the order, and I had the product shipped to our office address. The VAD PRO headphones were one of at least 30 different headphones io purchased around that time because we wanted to understand the current state of audio products.

4. What primarily interested me about the VAD PRO headphones was the custom in-ear molding that was required. To obtain my headphones, I had to coordinate an appointment with the Ear Project to have an audiologist take impressions of my ears, which they then scanned into a computer to create a custom in-ear earpiece tip, which would be used for the headphones. Although the process of creating custom ear canal molds was not novel—musicians, sound technicians, and others who need high quality sound can obtain custom ear pieces—I thought it would be good to experience the molding process myself.

5. After placing my VAD PRO order, an employee at the Ear Project emailed me to schedule an ear impression with an audiologist. A true and correct copy of my email communication

1 with that employee is attached hereto as **Exhibit A**. The audiologist came to my office to take my
2 ear impressions on March 19, 2025. Once I received an email that the VAD PRO headphones were
3 ready to be delivered, I scheduled their delivery, which required me to meet an Uber courier outside
4 of my office.

5 6. After scheduling delivery, I asked the employee at the Ear Project whether it was
6 “possible to get the 3D CAD of my ear imprints after they were cut/modified to fit the VAD
7 enclosure and other parts? Not asking for any VAD parts themselves, just the part that goes into
8 my ear.” I did not request Plaintiff’s “design files” for the wired VAD PRO headphones or any
9 other product or design. The Ear Project employee informed me that I would need to coordinate
10 directly with either Neil Treat or Jason Rugolo at iyO. However, the audiologist who had taken my
11 ear impressions sent me the scan files for my ear impressions, which did not include any tech design
12 information. A true and correct copy of my email communication with the audiologist is attached
13 hereto as **Exhibit B**. Having received the ear scan files I requested, I did not follow up with Neil
14 Treat or Jason Rugolo.

15 7. When I received the headphones, I saw the package insert indicated that iyO had sold
16 around 200 VAD PRO headphone sets at that time.

17 8. On March 28, 2025, more than a week later, I received an unsolicited email from
18 Jason Rugolo that stated: “we’re happy to fit jony and tang and just sit down with y’all to walk
19 through the tech if that would help.” A true and correct copy of that email is attached hereto as
20 **Exhibit C**. I was surprised by the email, as I had not mentioned Jony Ive or Tang Tan to anyone at
21 IYO or the Ear Project. Later, Mr. Rugolo suggested by email that he might stop by the office in
22 April, but I did not hear from him again until I learned that he would be demonstrating his next
23 project, the iyO ONE to some of io’s team.

24 9. On May 1, 2025, Mr. Rugolo and an iyO audio engineer met with myself and some
25 of the engineers at io to demonstrate the iyO ONE to the gathered io employees, one-by-one. The
26 demonstration did not go well. I watched several of the demonstrations, and parts of the
27 demonstration failed repeatedly. iyO’s audio engineer began to skip certain parts of the
28 demonstration because of problems with the software, and I did not get to experience the full

1 demonstration. It was clear the product was still early in its product development cycle and needed
2 a lot more work.

3
4 I declare under penalty of perjury under the laws of the United States that the foregoing is
5 true and correct. Executed this 12th day of June, 2025 at San Francisco, CA.

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7 By:  Signed by:
8 Marwan Rammah
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